

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 12-195V

(E-Filed: October 3, 2014)

\* \* \* \* \*

MICHAEL PEREYRA, as Guardian  
Ad Litem, for minor son, M.S.P., Jr.,

Petitioners,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

\* \* \* \* \*

\* UNPUBLISHED  
\*  
\* Special Master  
\* Hamilton-Fieldman  
\*  
\* Decision on Attorneys' Fees  
\* and Costs; Reasonable Amount  
\* Requested to Which Respondent  
\* Does Not Object.  
\*  
\*

Neal J. Fialkow, Neal Fialkow, Esq., Pasadena, CA, for Petitioners.

Ann D. Martin, U.S. Department of Justice, Washington, DC, for Respondent.

### **DECISION<sup>1</sup> (ATTORNEY FEES AND COSTS)**

In this case under the National Vaccine Injury Compensation Program,<sup>2</sup> Petitioner, Michael Pereyra, filed a petition on behalf of his minor child, M.S.P., Jr., on March 26, 2012. On October 3, 2014, the parties filed a Stipulation for Attorneys' Fees and Costs. This stipulation requests a total payment of \$46,500.00, representing total attorneys' fees

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<sup>1</sup> The undersigned intends to post this unpublished decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Otherwise, "the entire" decision will be available to the public. *Id.*

<sup>2</sup> The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

and costs. Pursuant to General Order #9, Petitioner stated that he has incurred no costs in pursuit of his claim.

The undersigned finds that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, the undersigned hereby awards the amount of \$46,500.00, in the form of a check made payable jointly to Petitioner and Petitioner's counsel, Neal J. Fialkow, Esq.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.

**IT IS SO ORDERED.**

s/Lisa D. Hamilton-Fieldman  
Lisa D. Hamilton-Fieldman  
Special Master